

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VINCELLE CALICA and RAYMOND
CALICA, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

GREEN DIAMOND RESOURCE
COMPANY,

Defendant.

CASE NO. 2:24-cv-00775-LK

ORDER GRANTING UNOPPOSED
MOTION TO CONSOLIDATE

This matter comes before the Court on the motion of Plaintiffs Vincelle Calica and Raymond Calica to consolidate this action into *Gregorio v. Green Diamond Resource Company*, No. 2:24-cv-00596-LK (W.D. Wash.). Neither Defendant Green Diamond Resource Company nor the *Gregorio* plaintiffs oppose the motion. *Id.* at 1; No. 2:24-cv-00596-LK, Dkt. No. 19 at 2 (W.D. Wash. June 27, 2024). For the following reasons, the Court grants the motion and orders the cases consolidated.

I. BACKGROUND

On May 9, 2024, Plaintiffs filed a class action complaint against Green Diamond in King County Superior Court, asserting negligence and Washington Consumer Protection Act claims based on a June 2023 data breach of Green Diamond’s systems and Green Diamond’s subsequent failure to adequately notify affected individuals, including the Plaintiffs, that their private information was compromised. Dkt. No. 1-1 at 5, 22–27.

On June 3, 2024, Green Diamond removed the case to federal district court. Dkt. No. 1. By that time, two class action complaints relating to the same data breach had already been filed in this Court: *Gregorio v. Green Diamond Resource Company*, No. 2:24-cv-00596-LK (W.D. Wash.) and *Valentine v. Green Diamond Resource Company*, No. 2:24-cv-00620-LK (W.D. Wash.). *Gregorio* was consolidated with *Valentine* on May 30, 2024. *See* No. 2:24-cv-00596-LK, Dkt. No. 16 (W.D. Wash. May 30, 2024); No. 2:24-cv-00620-LK, Dkt. No. 4 (W.D. Wash. May 30, 2024).

In its order consolidating *Gregorio* and *Valentine*, the Court appointed William B. Federman of Federman & Sherwood and Tyler J. Bean of Siri & Glimstead LLP as interim co-lead counsel for the consolidated class. No. 2:24-cv-00596-LK, Dkt. No. 16 at 2 (W.D. Wash. May 30, 2024); Dkt. No. 2:24-cv-00620-LK, Dkt. No. 4 at 2 (W.D. Wash. May 30, 2024). After Plaintiffs filed the instant motion to consolidate this matter into *Gregorio*, the Court ordered plaintiffs in both cases to provide “their position as to the appointment of [the same] co-lead interim class counsel for what would be a newly consolidated matter.” Dkt. No. 11; No. 2:24-cv-00596-LK, Dkt. No. 17 (W.D. Wash. June 20, 2024).¹ All plaintiffs indicated that they did not oppose the previously ordered leadership structure for counsel. Dkt. No. 13 at 1; No. 2:24-cv-00596-LK, Dkt. No. 19 at 2 (W.D. Wash. June 27, 2024).

¹ All three cases were reassigned to the undersigned judge on June 21, 2024. Dkt. No. 12; No. 2:24-cv-00596-LK, Dkt. No. 18 (W.D. Wash. June 21, 2024); No. 2:24-cv-00620-LK, Dkt. No. 5 (W.D. Wash. June 21, 2024).

II. DISCUSSION

“If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). “A district court generally has ‘broad’ discretion to consolidate actions[.]” *Pierce v. Cnty. of Orange*, 526 F.3d 1190, 1203 (9th Cir. 2008) (quoting *Investor’s Rsch. Co. v. U.S. Dist. Ct. for Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989)). “In determining whether consolidation is warranted, courts evaluate the existence of common questions of law or fact and weigh the interests of judicial economy against any delay or prejudice that might result.” *Burton-Curl v. Seattle Coll. Dist. S. Campus*, Nos. 2:22-cv-01781-LK, 2:22-cv-01772-LK, 2023 WL 3004063, at *1 (W.D. Wash. Apr. 19, 2023).

Here, both cases arise out of the same June 2023 data breach and subsequent allegedly deficient notification of that breach. Although the three complaints raise different claims against Green Diamond, the cases involve common questions of law and fact, including whether Green Diamond was negligent in safeguarding plaintiffs’ private information and whether it violated Washington’s Consumer Protection Act, *compare* Dkt. No. 1-1, *with* No. 2:24-cv-00596-LK, Dkt. No. 1 (W.D. Wash. Apr. 30, 2024), *and* No. 2:24-cv-00620-LK, Dkt. No. 1 (W.D. Wash. May 6, 2024). Principles of judicial economy therefore support consolidation. And because the cases are at the same early stage in the litigation, “it does not appear that any delay or prejudice will result from consolidation.” *Burton-Curl*, 2023 WL 3004063, at *1. Accordingly, the Court concludes that consolidation is appropriate.

III. CONCLUSION

For the foregoing reasons, the Court finds and ORDERS as follows:

Lawrence King

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